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Crl.O.P(MD).No.9772 of 2020



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Crl.O.P(MD).No.9772 of 2020

and

Crl.M.P.(MD)Nos.4545 and 4546 of 2020

Sundhar @ Meenakshi Sundaram

...Petitioner

Vs

1.The State of Tamil Nadu,
Rep. by Sub Inspector of Police,
Kundrakudi Police Station,
Kundrakudi,
Karaikudi Taluk,
Sivgangai District.
(Crime No.30 of 2017)

2.Thangasamy

3.Thangavel

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to call for the records pertaining to charge sheet in J.C.No.7 of 2020 on the file of the Juvenile Justice Board, Sivagangai and quash the same in so far as the petitioner is concerned.

For Petitioners	: Mr.R.Sundar Srinivasan
For 1 st Respondent	: Mr.M.Sakthi Kumar
	Government Advocate (Crl. Side)
For Respondents 2 and 3	: Mr.V.A.Shanmugaraja

ORDER

<https://www.mhc.tn.gov.in/judis> This petition has been filed to quash the charge sheet in J.C.No.7 of



2020 on the file of the Juvenile Justice Board, Sivagangai.

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2. According to the petitioner, he was arrayed as accused in Crime No. 330 of 2017 on the file of the respondent police and thereafter, the charge sheet was filed in C.C.No.280 of 2018 on the file of the second respondent for the offences under Sections 147, 341, 363 and 506(i) of IPC. The entire allegations in the FIR are made with motive and wreck vengeance against the petitioner due to enmity. The allegations in the FIR are not true. According to the defacto complainant on 26.02.2017 at about 08.30 p.m., while the defacto complainant and his brother along with friend one Saranraj came out from cinema theatre at Karaikudi, two groups of persons quarrelled each other and they threatened the defacto complainant and his brother and with friend. Hence they escaped from the place and returned to home. Again on 27.02.2017, the accused persons taken away the defacto complainant and his brother and one Saranraj to Arya Bhavan Hotel near New Bus stand at Karaikudi and threatened with dire consequences and left them in that place. The entire allegations made in the complaint are not at all happened. The petitioner is no way connected with the said case. The respondent police investigated the case and the charge sheet was filed in C.C.No.280 of 2017 and the same is pending on the file of the learned Judicial Magistrate, Karaikudi. While so on 14.12.2019, thereafter, the defacto complainant appeared before the learned Judicial Magistrate, Karaikudi and filed a



petition to compound the offences alleged in the FIR stating that the said complaint was mistakenly given against the accused persons. The learned Judicial Magistrate, Karaikudi compounded the offences and acquitted all the accused except the petitioner. On 15.07.2019, the case against the petitioner was split up and transferred to Juvenile Justice Board, since at that time, the petitioner was juvenile and the said case is pending against the petitioner in J.C.No.7 of 2020 on the file of Juvenile Justice Board, Sivagangai. While so, the petitioner is not involved in the case and already the defacto complainant himself compounded the offences with other accused. Hence, the charge sheet in J.C.No.7 of 2020 is liable to be quashed.

3.No counter was filed on the side of the respondents.

4.The learned counsel appearing for the petitioner would contend that the petitioner is facing trial. The petitioner and others alleged to have involved in the offences under Sections 147, 341, 363, 506(i) of IPC and already the mother case in C.C.No.280 of 2017 was acquitted by compounding the offence and another Juvenile Case was also disposed of by the concerned Judicial Magistrate. Now this case is pending as against the petitioner and none of the offence was made out. As per the FIR and final report, the allegations are vague and not specific. There is no specific overt act attributed as against this petitioner. Hence, the charge sheet is liable to be quashed.



5.The learned Government Advocate appearing for the first respondent would contend that based on the complaint given by the defacto complainant, FIR has been registered and the case has been charge sheeted and then the defacto complainant compromised the case and thereafter, the learned Magistrate acquitted the main case and now this case is pending for disposal and posted to further proceedings in J.C.No.7 of 2020.

6.This Court heard both sides and perused the materials available on records.

7.On perusal of the records, it is observed that the FIR has registered as against the petitioner and others and thereafter, charge sheet has been filed in C.C.No.280 of 2018 and the same was acquitted based on the compromise entered between the parties.

8.On careful reading of FIR, there is no specific overt act attributed against this petitioner and the allegations are vague. Even according to the complaint, some body attacked the defacto complainant by two wheeler and taken to Arya Bhavan Hotel nearby new bus stand and threatened with dire consequences and no overt act was attributed as against the petitioner mentioned in the FIR. Even as per the final report, there is no specific overt



act attributed against the petitioner and the main case was acquitted by the learned Judicial Magistrate based on the compromise ended between the parties and the same was compounded. There is no specific overt act as against the petitioner. According to the FIR, only two persons came in bike and taken the victim. But no specific name was mentioned. The allegations are bald allegations. The petitioner need not face trial before the trial Court based on the bald allegations. Hence the charge sheet is liable to be quashed.

9. Accordingly, the charge sheet in J.C.No.7 of 2020 on the file of the Juvenile Justice Board, Sivagangai, is hereby quashed and this Criminal Original Petition is allowed. Consequently, connected miscellaneous petitions are closed.

07.08.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
Mrn

To

1. The Judge, Juvenile Justice Board, Sivagangai
2. The Sub Inspector of Police,
Kundrakudi Police Station,
Kundrakudi,
Karaikudi Taluk,
Sivgangai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL,J.

Mrn

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